

OFFICIAL

RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 2134

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Steven K. Elliot et al.	Examiner:	Andrew L. Nalven
Serial No.:	09/514,607	Group Art Unit:	2134
Filed:	February 28, 2000	Docket:	ST9-99-024
Title:	SIGNATURE HASH FOR CHECKING VERSIONS OF ABSTRACT DATA TYPES		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on June 11, 2004.

By:   
Name: George H. Gares

PETITION UNDER 37 C.F.R. §1.181

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being submitted in accordance with M.P.E.P. §706.07(c) to invoke the supervisory authority of the Commissioner under 37 C.F.R. §1.181 involving an ex parte action in the above-identified patent application that is not subject to appeal and not otherwise provided for.

Applicant's attorney requests a review of the final rejection made in an Office Action dated June 4, 2004 for the above-identified patent application. The 35 U.S.C. §103(a) rejections in the Office Action were made final, even though the rejections are based on a reference (Morel) that was not cited in a previous Office Action on the application. The Examiner asserted that the previously-submitted amendments to the claims necessitated the new grounds of rejection.

Applicant's attorney disagrees. The previously-submitted amendments to the claims merely amended the independent claims to incorporate dependent claim limitations into the independent claims. These amendments should reasonably have been expected by the Examiner,

since the subject of the amendments were part of the specification and, more importantly, part of the claimed subject matter, of the application as originally filed. See M.P.E.P. §§ 706.07(a) and 904 et seq.

As such, it is respectfully submitted that the rejections should not be made final because the rejections of the second Office Action include rejections made on prior art not of record, and consist solely of included limitations which should reasonably have been expected to be claimed. As a result, it is erroneous to state that the Applicant's amendments were not reasonably expected by the Examiner and therefore necessitated the new grounds of rejection. Consequently, the final rejection was premature, and Applicants' attorney respectfully requests its withdrawal.

This Petition is being submitted by facsimile, and thus Applicant requests that any required Petition fees be charged to the Assignee's Deposit Account No. 09-0460 (IBM Corporation). Any other fees should be charged to Deposit Account No. 09-0460 as well.

Respectfully submitted,

Attorneys for Applicant,

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Dated: June 11, 2004

By: 

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